

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

* * * * *

DOUG PALUCK and RHONDA PALUCK *
as parents and natural guardians on behalf *
of their minor son, KARL PALUCK, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

* * * * *

No. 07-889V
The Honorable Charles F. Lettow
Special Master Christian J. Moran

Filed: February 11, 2014

Damages; decision based on
proffer

Sheila A. Bjorklund, Lommen Abdo Law Firm, Minneapolis, MN, for petitioners;
Alexis Babcock, United States Dep't of Justice, Washington, DC, for respondent.

PUBLISHED DECISION ON REMAND AWARDING DAMAGES¹

On December 21, 2007, Doug and Rhonda Paluck filed a petition alleging that various vaccines harmed their son, Karl. They sought compensation through the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa—10 through 34 (2012). After lengthy proceedings, the Court of Federal Claims found that the Palucks established that the vaccines significantly aggravated a Karl's pre-existing mitochondrial disorder. The Court remanded the case for a determination of damages to which the Palucks are entitled. 113 Fed. Cl. 210 (2013).

After the Court's Opinion and Order, the parties have worked very diligently at quantifying the amount of compensation. Their progress was monitored through periodic status conferences. This process led to an agreement as to the amount of compensation.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa—12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

On February 11, 2014, the Secretary submitted a proffer regarding the amount of compensation. The Palucks have indicated that they do not object.

Based upon the record as a whole, the undersigned finds that the amount contained in the proffer is reasonable. The Clerk's Office is instructed to enter judgment in the amounts listed in the attached proffer ("Appendix A"), unless a motion for review is filed.² The Clerk's Office is also instructed to provide a copy of this decision to the presiding judge. Vaccine Rule 28.1(a).

IT IS SO ORDERED.

S/ Christian J. Moran
Christian J. Moran
Special Master

² The Palucks have requested that specific amounts of compensation not be available to the public. In accord with the Court's comments during an oral argument on a motion for review of an order denying a motion for redaction held on November 13, 2013, the Palucks' proposed redaction of this decision is GRANTED.